



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,073	06/22/2001	Kijuro Kobayashi	M2057-74	6606

7590 04/12/2002

MORRISON LAW FIRM
145 North Fifth Avenue
Mt. Vernon, NY 10550

EXAMINER

SELF, SHELLEY M

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 04/12/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/888,073	Applicant(s) KOBAYASHI ET AL.	
	Examiner Shelley Self	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities. Page 3, line 4 of the specification the word "crankshaft" is incorrectly spelled. Page 11, line 1 of the specification plate members 102 is not depicted on the drawings. Page 13, line 24 link 16 should be link 17. Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second side members of the slide, the first and second slide side gib, first, second and third mating surface, the first centerline, the second centerline, the gear section, the first angle and the rotational and inner angles θ , θ' , θ'' must be shown and properly referenced or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The following sight matter that is not clear as to enable one skilled in the art to make or use the invention: failure to depict the rotation angles (θ , θ') with respect to

the main gear and crankshaft (claim 3); failure to depict the inner angle (θ'') at a maximum and minimum top and bottom dead center position (claim 3); failure to disclose the first and second side member of the slide (claims 4 & 6); failure to disclose how the first, second, and third mating surfaces correlates to the first and second slide side gib (claims 4 & 7); failure to disclose the first and second centerline (claims 5 & 7); failure to disclose the first and second members (it is unclear whether the first and second members refer to the first and second side members or the first and second guide members); failure to disclose the gear section on the drive shaft and the first angle as it relates to the top and bottom dead enter of the press (claim 8). The first and second side members of the slide and the first, second and third mating surfaces are not clearly defined and are missing from the drawings. This renders the subject matter inadequate for a clear understanding of the claimed invention. For the purposes of examination the gear section is assumed to be element 12a of figure 3A and the first and second side members are assumed to be element 21 of figure 2.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Imanishi (5.218.901).

Imanishi discloses a press comprising: a press center on a slide, a drive mechanism holding section (i.e. the flywheel, connecting rod are encompassed within the frame), a drive means (fig. 1, element 4), a slide (fig. 1, element 20) and first and second guide members (fig. 1, elements 15) symmetrical about a centerline, a press comprising a continuous frame symmetrical about press center, first and second slide members (fig. 1, element 23) a flywheel (fig. 1, element 6), a drive mechanism, a drive means having a crankshaft (fig. 1, element 8), a connecting rod (fig. 1, element 9); a crown member (fig. 1, element 2) and bed member (fig. 1, 1) joining first and second side members, a liner member/gibs/sleeve in first and second guide members (fig. 1, element 16A).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imanishi (5.218.901) in view of Itakura (6.013.322). Imanishi has been discussed above. Imanishi does not disclose a main gear having an eccentric position about a crankshaft and a first link perpendicular from the crankshaft. Itakura does however disclose a main gear having an eccentric position about a crankshaft (fig. 1, element 12A) and a first link connected to the crankshaft, such drive assembly establishing a simple and accurate drive advantage within the assembly. It would have been obvious at the time of the invention to modify Imanishi's drive assembly as taught by Itakura for the noted motivation. As to the perpendicular arrangement of the first link, it would have been an obvious matter of design choice to a person skilled in the art to connect the first link perpendicular to the crankshaft because Applicant has not disclosed that the perpendicular connection of a link from a gear to a crankshaft provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a link connected to a crankshaft at a non-perpendicular angle because the perpendicular connection of the link to the crankshaft does not improve functionality of the crankshaft and gear. With regard

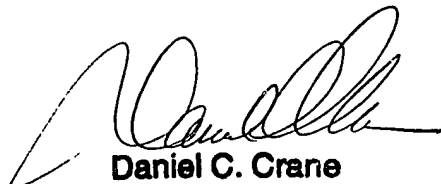
Art Unit: 3725

to claim 8, Imanishi does not disclose a drive shaft or a main gear disposed on the frame or a top and bottom center position on a slide. Imanishi does however address the need for horizontal and vertical alignment of dies on a slide (top and bottom center positions). Itakura discloses a main gear (fig. 1, element 14), a drive shaft (fig. 1, element 15) and a slide having a top and bottom dead center position (fig. 1, element 40). The main gear and drive shaft used by Itakura are used to lend a driving force to the press slide. It would have been obvious to one skilled in the art at the time of the invention to include a gear and drive shaft as taught by Itakura to Imanishi as a drive means to drive the press slide, thus improving the drive mechanism.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Itakura (5.915.296) teaches a slide on a press, teaches a slide on a press and alignment of top and bottom dead center positions Bornhorst et al. (5.852.970) and Ernst (2.384.160) teach alignment (parallelism) of a press punch, slide and bed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (703) 308-3136. The examiner can normally be reached on Mon-Fri 8:30am -5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Allen Ostrager can be reached at (70) 308-3136. the fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications (703) 305-3579 and for After Final communications. Any inquire of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Daniel C. Crane
Primary Examiner